

P27269.A11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Shuuichi Yatabe

Docket No. P27269

Confirmation No. 6237

Serial No.: 10/600,834

Group Art Unit: 3683

Filed: June 23, 2003

Examiner: King, Bradley T.

For: VACUUM PRESSURE BOOSTER

REPLY BRIEF UNDER 37 C.F.R. 41.41(a)(1)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop **Appeal Brief - Patents**
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Sir:

This Reply Brief is in response to the Examiner's Answer dated June 21, 2007, the period for reply extending until August 21, 2007.

The Examiner withdraws the Section 112, 2nd paragraph rejection, maintains the anticipation rejection advanced in the final rejection of claims 1-18, and provides arguments in support thereof.

Appellant notes this Reply Brief is being filed under 37 C.F.R. 41.41(a)(1) and is directed to the arguments presented in the Examiner's Answer, and therefore must be entered unless the final rejection is withdrawn in response to the instant Reply Brief. With regard to this Reply Brief, Appellant notes it is addressing points made in the Examiner's Answer and not repeating the arguments set forth in the Appeal Brief.

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POINTS OF ARGUMENT

First Issue

On the pages 3-4, section 6, the Examiner indicates that the Section 112, 2nd paragraph, rejection of claims 19 and 21 is withdrawn. Appellant acknowledges that this rejection is withdrawn, that claims 19 and 21 are fully compliant with Section 112, 2nd paragraph, and hereby withdraws the arguments in the Appeal Brief regarding this rejection.

Appellant reminds the Examiner that claims 19 and 21, at least for purposes of clarifying the record, should be indicated to be allowed.

Second Issue

On the page 6, section 10 (*Response to Arguments*), the Examiner explains that “[t]he claim language does not require that each holder of the pair engage the inner face” and that the Examiner, using the broadest reasonable interpretation, can interpret the language of claim 1 as only requiring one of the valve holders to engage with the inner circumferential face of the valve cylinder and that claim 1 is therefore anticipated by SUZUKI.

Appellant disagrees. Claim 1 clearly states that the pair of valve holders is attached to the valve cylinder and engages an inner circumferential face of the valve cylinder. This is clearly shown in Fig. 6 which illustrates that portions of both valve holders 35A and 35B engage with the inner circumferential face of the valve cylinder 10.

Fig. 4 of SUZUKI shows a pair of valve holders 131a and 131b. However,
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only member 131a engages an inner circumferential face of the valve cylinder 18a. Member 131b does not engage an inner circumferential face of the valve cylinder 18a. As such, it cannot properly be argued that Fig. 4 of SUZUKI discloses or suggests that the attaching bead portion is tightly held between a pair of cylindrical holding portions formed in a pair of valve holders attached to the valve cylinder and engaging an inner circumferential face of the valve cylinder.

Claim 1 simply cannot reasonably be read to recite that only one of the members 35A and 35B engages an inner circumferential face of the valve cylinder because claim 1 recites “a pair of valve holders” ... engaging an inner circumferential face of the valve cylinder. As the Examiner knows, the term “pair” means two, and not one. Thus, the Examiner’s argument that this language can be read to recite that only one of the valve holders engages with the valve cylinder is improper and contrary to clear language of the claims.

Third Issue

On the page 6, section 10 (*Response to Arguments*), the Examiner points to the language of claim 2 as supporting the Examiner’s position that claim 1, using the broadest reasonable interpretation, can be interpreted as only requiring one of the valve holders to engage with the inner circumferential face of the valve cylinder.

Appellant disagrees. Claim 2 depends from claim 1 and further recites:

wherein at least one of the pair of valve holders is engaged on an inner circumferential face of the valve cylinder through a seal member.

As is clear from a fair reading of claim 2, claim 2 does not further limit claim 1 with regard to the number of valve holders which engage with the inner circumferential face of the valve cylinder. Instead, claim 2 specifies that at least one of the pair of valve holders engages via a seal member an inner circumferential face of the valve cylinder. The seal member 43 is clearly shown in Fig. 6 as being arranged on valve holder 35B, i.e., one of the pair of valve holders 35A and 35B.

Fourth Issue

On the page 6, section 10 (*Response to Arguments*), the Examiner maintains that Fig. 4 of SUZUKI shows “an annular recess portion and an annular protruding portion of the pair of cylinder holding portions are elastically engaged with each other” as recited in claim 1.

Appellant disagrees. The recited feature of claim 1 requires elastic engagement between an annular recessed portion of one of the pair of valve holders and an annular protruding portion of one of the pair of valve holders.

While Appellant acknowledges that Fig. 4 of SUZUKI shows member 131b being biased towards member 131a via spring 29b, the Examiner is not correct that member 131b has an annular protruding portion, much less, one that elastically engages an annular recessed portion of member 131a. First, it is not apparent that the upper and lower bent portions of member 131b can be

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reasonably characterized as annular protruding portions. Second, even if the Examiner were correct (which Appellant disputes), the Examiner has not demonstrated that SUZUKI teaches to provide elastic engagement between the bent portions and an annular recess of member 131a.

Fifth Issue

On the page 7, section 10 (*Response to Arguments*), the Examiner maintains that SUZUKI shows a valve portion 22a that is capable of sliding on inner circumferential face 18b as recited in claims 7-12.

Appellant disagrees for two reasons. First, the Examiner has identified no language in SUZUKI which supports the Examiner position that the valve portion 22a can slide relative to face 18b. Second, even if the Examiner were correct that there is sliding movement between the surfaces of members 22a and 18b, the so-called face 18b in SUZUKI is an annular face and not an inner circumferential face, as recited in each of claims 7-12

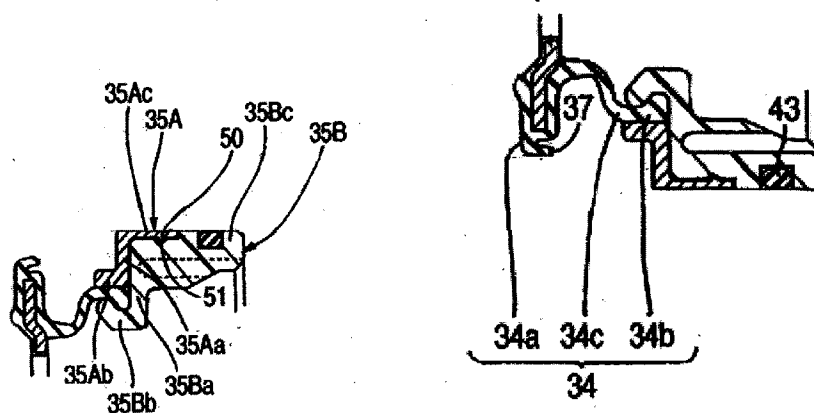
Sixth Issue

On the page 7, section 10 (*Response to Arguments*), the Examiner maintains that SUZUKI teaches a cylindrical connecting portion of a front valve holder is engaged with an outer circumference of an engaging portion of a rear valve holder of the pair of valve holders (claim 16), and that the Examiner can properly interpret member 131a as the recited front valve holder and the member 131b as the recited rear valve holder.

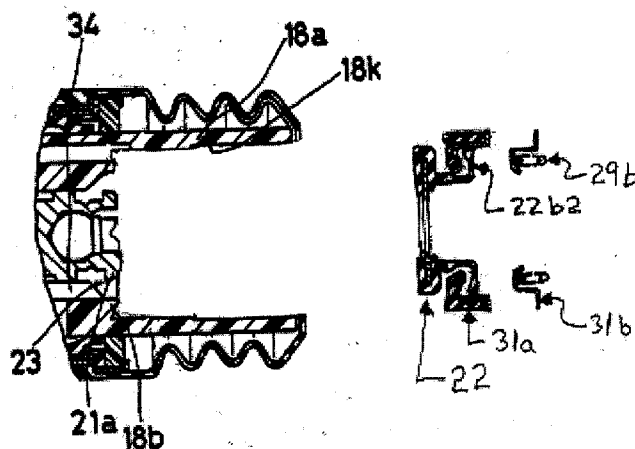
Appellant agrees with the Examiner that member 131a is properly interpreted as the front valve holder and member 131b is properly interpreted as the rear valve holder. Indeed, SUZUKI explains that a rearward direction is to the right of Fig. 1 (see col. 3, lines 56-58). However, this assertion does not settle the matter in dispute.

To the contrary, while it is true that member 131a has a cylindrical connecting portion, member 131b has no engaging portion that includes an outer circumference, much less, one that is disclosed in SUZUKI as engaging with a cylindrical connecting portion of member 131a.

This distinction is not without a difference. In the Appellant's invention shown in Fig. 6, the cylindrical connecting portion of member 35A can be assembled with the outer circumference of member 35B via connection 50/51. As is evident from the figure below (which is an enlarged partial view of Fig. 6 of the instant application), this allows the front holder 35A and rear holder 35B to be assembled together, while pinching end portion 34b, prior to insertion into the valve cylinder 10. This makes it easier to slide the members 35A/35B into the valve cylinder 10 and facilitates assembly (see page 7, line 3 to page 8, line 2 of the instant specification).



In contrast, as shown in the figure below (which is an enlarged expanded view of Fig. 2 of SUZUKI), members 31a and 31b of SUZUKI cannot be assembled together as a unit before sliding into the valve cylinder 18a. This is because these parts 31a/31b (as well as parts 131a/131b in Fig. 4) are held together only after installation in the valve cylinder 18a and installation of the spring 29b, which functions to trap 22b2 between members 31a and 31b.



In summary, the invention provides that when members 35A and 35B are connected together, there is elastic engagement between the annular projecting portion 35Ac and an annular recessed portion of member 35B. This results in pinching of the portion 34B of the valve body 34, and also allows the members 34, 35A and 35B to be assembled together as a unit. As such, the unit shown in Exhibit A can be easily inserted into the valve cylinder 10 as a unit.

SUZUKI, by contrast, does not utilize any elastic engagement between an annular projecting portion of member 31b and an annular recessed portion of member 31a, does not pinch the portion 22b2 of the valve body 22 by merely connecting together members 31a and 31b, and does not allow the members 22, 31a and 31b to be assembled into the valve cylinder 18a as a unit. Instead, SUZUKI requires the use of spring 29b to both holds members 31a and 31b together and to pinch portion 22b2 of the valve body 22.

CONCLUSION

Accordingly, in view of the above-noted arguments (as well as those already of record), the Board is respectfully requested to reverse the Examiner's decision to finally reject claims 1-18 under 35 U.S.C. § 102(b), and that the application be remanded to the Examiner for withdrawal of the rejection over the applied document and an early allowance of all claims on appeal.

Respectfully submitted,
Shuuichi Yatabe

A handwritten signature in black ink, appearing to read "Andrew M. Calderon", written over a horizontal dashed line.

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